

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: Ruchell Magee
 (Last) (First) (Middle Initial)

Prisoner Number: A92051

Institutional Address: CMF-Box 2000- F1B
Vacaville, CA. 95696

FILED

Jul 15 2021

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Ruchell Magee
 (Enter your full name.)

vs.

Cantil-Sakauye, Judge;
Gavin Newsom, Governor

(Enter the full name(s) of the defendant(s) in this action.)

3:21-cv-5432-WHO

Case No. _____
 (Provided by the clerk upon filing)

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C. § 1983

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement California State Prison Vacaville

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☐ NO ☒

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: Persons sued - outside of
CDC employment

- 1 2. First formal level: N/A
- 2 _____
- 3 _____
- 4 3. Second formal level: N/A
- 5 _____
- 6 _____
- 7 4. Third formal level: N/A
- 8 _____
- 9 _____

10 E. Is the last level to which you appealed the highest level of appeal available to you?

11 YES ☐ NO ☐ N/A

12 F. If you did not present your claim for review through the grievance procedure, explain why.

13 PERSON'S sued are not

14 CDC employees

15 _____

16 **II. Parties.**

17 A. Write your name and present address. Do the same for additional plaintiffs, if any.

18 Ruchell Magee

19 CME, AA205/T-123 - Box 2000

20 Uacaville, CA 95696

21 B. For each defendant, provide full name, official position and place of employment.

22 Cantil-Sakauye, Judge, California State

23 Supreme Court, San Francisco, CA;

24 Gavin Newsom, Governor of California

25 at Sacramento, Calif.

26 _____

27 _____

28 _____

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

Acting under color of California State law, since July 21, 2020, defendant Cantil Conceal Writ of habeas corpus in the case entitled, Rachel Magee, No. S. 263467, therefore denying access to court, and suppressing physical evidence of: 1) imprisonment on knowingly false insanity plea conviction's by officer's of the court, 2) deprivation of counsel; 3) Jury Tampering by prosecution officials.

(Continue page)

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

1. Injunction, preliminary - a temporary restraining order requiring defendants and their agents and persons in combination with defendants to allow Habeas corpus evidence heard by a state of Federal Judge on the merits with the accurate trial court records.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: June 18, 2021 Rachel Magee
Date Signature of Plaintiff

(CONTINUE STATEMENT OF CLAIM)

- A) Defendant cantil obstructs fact findings and encourages further state prosecution's use of false documents and systematically invent fraud used more than 4 decades Jacking up Prison Term by resentencing complainant: 7 years to life to over 50 years life imprisonment, with state agencies taking shifts out of tax-payers sight.
- B) Exhibit-A, state writ of habeas corpus, pending without considered filed since July 21, 2021, a year showing wrongfully convicted on officers of the courts knowingly and intentionally false guilty and insanity pleas used to undermine weak jurors to convict innocent complainant for kidnap (209 P.C.) to Rob (P.C. 211), which crime proven never occurred prior to complainant being arrested March 23, 1963.
- C) Exhibit-B, Parole Board's psy assessment, which have no legal foundation - make it appear crimes occurring by a Black person.
- D) The Habeas Evidence heard by any normal intelligent person or persons, not stuck on skin-color, would prove by facts, evidence documented that

would eliminate the Parole Board's
psy assessment Fact Finding by exposing
an organized crime document. Compare
Exhibit-B, Supra, and habeas corpus facts under
Oath (Exhibit-X, Supra), which make plain the
wrongfully imprisonment on state agents false
guilty and insanity Plea to undermine Jurors
to convict innocent Complainant for kidnap (P.C.
209) to Rob (Penal Code 211), which false Pleads
do not reflect by the transcripts issued
by the state on appeal and for Habeas Review
despite Complainant's more than five (5) decades
filing Appeal, and habeas Petitions, asking for
Records Review

F) MOTIVE FOR EXCESSIVE DELAY OF HABEAS
REVIEW

- a) The state Prosecution used doctored
Transcripts to obstruct habeas and Appeal
Review in the Federal Courts as showing by
the decision entitled Magee vs. Nelson
(1972) (9th Cir.) 455 F. 2d 275, reflect
doctored transcript Wheeling, and dealing
undermined Justices to believe the
state agencies false insanity Plea NEVER
heard by the Jurors - because that Plea
was withdrawn on motion by Magee's Counsel.
- b) Doctored Transcripts made it
falsely appear that the insanity Plea

(page 3-b)

were 'or' was withdrawn July 26, 1965. However, accurate trial record shows the false plea of insanity ordered withdrawn July 28, 1965, moments before the jurors announced guilty verdicts ...

Wheeling and dealing included the (455 F.2d 275) decision also shown the state jurors where the prosecution in the San Francisco County trial argued that Magee (complainant) were legally convicted of kidnap to rob in Los Angeles County, which the highest federal judges also ruled upon denying Magee's federal Habeas petition and appeal. Here, corruption/racism stick out plain as sun-shine, Jury Tampering, b) self incrimination, c) denial of counsel, d). unlawfully chaining & muzzling in presence of the jurors and many more attacks causing injury - ignored by corrupted law enforcement determined to keep the evidence covered up, and the innocent complainant locked away in prison, basically isolated, in violation of the Eighth (8th) and Fourteenth (14th) Amendments, Constitution of the United States,

(page 3-c)

F)

2ND CAUSE OF ACTION

Defendant Newsom, acting under color of California state authority 'or' law conceal evidence of false convictions, and deliberately and intentionally allows state agencies to hid, and coverup, Jury acquittal in the case of August 7, 1970.

Is that, on February 16, 2019, the complainant petitioned defendant Newsom asking for Governor's pardon. on grounds and physical evidence (documented evidence) of the Superior Courts of Los Angeles County (case No. 272227), concealed Trial Court Records of the 1960's Trial, and the Superior Court of Santa Clara County (case number 56168) concealed Jury acquittal of 1973, showing:

"During deliberations (which commenced March 26, 1973, and expired April 3, 1973) all Twelve Jurors agreed that the defendant was not guilty of violating Penal Code 209, (kidnapping for purpose of extortion)..."

G) Defendant Newsom failed/refused to acknowledge the Applications for Pardon

(page 3-d)

Submitted 2019, prior to, and after, which arbitrary tactic be same used by corrupted Judges - allowing the Prosecution concealing trial Court records to stay ahead of the complainant facts, and evidence - obstruct complainant opportunity to be heard, because the guilty Parties concealing records (evidence) have nothing to rebut the complainant's documented.

H) To be sure, January 2001, the Jury Foreman Mr. B. J. Suarez filed Federal Law in the U.S. Northern District Court of California - paying the filing fee in Suarez, and others - Reporting State Prosecution (Judges, and lawyers) concealing Jury acquittal. Without hearing, the Federal Judge dismissed the 1983 complaint frivolous claiming the Jury file to later regarding the acquittal.

I) On September 23, 2002, the Jury Foreman Suarez filed Complaint with the U.S. Department of Justice (FBI) Reporting Corrupted judges and lawyers concealing the acquittal, and violating Double Jeopardy Law. No action was taking to get the acquittal out of suppression. (see Exhibit C, Jury's Complaint, attached hereto, Concealing Jury acquittal is

One of 2 many outrage going uncorrected,
despite showing 8th and 14th Amendments, U.S. Const. Violation

Complainant (petitioner) has no plain,
speedy, 'OR' adequate remedy in the ordinary
course of law other than by this action,
and defendants are not expected to
REFRAIN from their backroom conduct,
unless the relief sought is granted.

Continue Relief Sought

3) Order defendants and Persons in
Combination with them, to show Facts, if
any, Why writ of Habeas Corpus (S-263467)
should not be heard as law requires by
law!

4) Order cost of Court fee paid by
the parties sued herein;

5) Award any further relief this
Court deems just 'OR' appropriate.

I certify under penalty of perjury the
foregoing is true and correct.
Executed: JUNE 14, 2021

Ruchell Magee
Ruchell Magee
Ruchell Magee

Case Name: Civil Complaint
 Case Number: _____
 Court: U.S. Northern District California

PROOF OF SERVICE BY MAIL

I, Ruchell Magee declare:

That I am over the age of eighteen years of age and am not a party to the above entitled cause of action.
 That I reside in Solano County, California at the California Medical Facility, at 1600 California Drive, P.O. Box 2500, Vacaville, California, 95696-2500.

That on June 14, 2021 I served the attached: a true copy of the attached:
Civil Right Complaint

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal legal mail collection system at the California Medical Facility, Vacaville, California, addressed as follows:

Attorney General
 450 Golden Gate Ave.
 San Francisco, Calif. 94102
 Cantil-Sakauye, Judge, Calif. Supreme Court
 350 McAllister
 San Francisco, Calif. 94102
 Gavin Newsom, Gov.
 Office of State Capital
 Sacramento, CA 95814
 Joe Biden, President
 White House
 Washington, DC 20510

I declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct. That this proof of service was executed on June 14, 2021 at the California Medical Facility, Vacaville, California.

Ruchell Magee
 Declarant

Ruchell Magee
 Declarant's Signature